

**RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

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June 15, 2020

The City Council of the City of Gardner, Kansas met in regular session on June 15, 2020, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Rich Melton, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Business & Economic Development Director Larry Powell; Police Chief James Belcher; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Finance Director Matthew Wolff; Parks and Recreation Director Jason Bruce; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the attached sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Shute at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Presentation of the 2019 Audit and CAFR

Finance Director Matt Wolff stated that this is the sixteenth year that the City has prepared a Comprehensive Annual Financial Report (CAFR); to date, all fifteen previous CAFRs were award winners. In our continued pursuit of excellence, this latest CAFR will again be submitted for a Certificate of Achievement for Excellence in Financial Reporting with the Government Finance Officers Association (GFOA). Past awards and work on the current CAFR goes to the Fiscal Services staff, present tonight. The Certificate of Achievement is the highest, most prestigious award for financial reporting available. Attempting to achieve the award is in itself aspiring to excellence. The City's independent auditing firm, Allen, Gibbs & Houlik, L.C. (AGH) completed the audit of the 2019 financial records. Staff is pleased to report that the auditors have again issued an "unmodified" opinion regarding the City's financial practices and reporting for its basic financial statements; an "unmodified" opinion is the highest possible opinion. Director Wolff turned the presentation over Mike Lowry, Senior Vice President, Assurance, AGH, to present findings of the 2019 audit. Mr. Lowry offered his thanks to Director Wolff, Fiscal Services Manager Nancy Torneden, and finance staff. The audit is a huge undertaking, in addition to their normal duties, and this year was more challenging doing it all remotely. Lowry reports everything went smoothly, given the circumstances. Audit standards require that they communicate certain matters related to the audit to the governing body. They are required to notify the governing body if there are any new accounting policies adopted by the city for the audit year. There were not. Not all numbers in the CAFR are hard numbers; there are some that are estimates. Material estimates for the city's CAFR relate to Other Post-Employment Benefits (OPEB), net pension liability related to KPERS, allowance for accounts receivable related to trade utility receivables. They audit estimates to ensure they concur with theory and philosophy and practice with how the city arrived at the estimates. The city employs outside actuaries to help develop the estimates for OPEB and net pension liability. AGH reviews the information sent to the actuaries to make sure the actuaries received the correct information. They review the actuary report to ensure accounting standards were followed. Regarding KPERS, they obtain the GASBY 68 report, which shows the allocation of net pension liability to the city, and verify that KPERS was correct. In all of these cases, AGH concurs with the city's estimates for those liabilities. Regarding the trade receivables, AGH reviews the AR accounts and aging for AR accounts, and reviews the city's processes and concur with them as well.

AGH is required to report if the city had any audit adjustments, as in the city presents a trial balance to the auditors, what the audit is based on, and did AGH make an adjustments? Their answer on this audit is no. To not have even one audit adjustment is a big deal. It speaks to the quality and technical skills of the finance staff. Regarding Financial Statement findings, there was one item labeled a 'control deficiency'. There are three types of control deficiencies: control deficiency, significant deficiency, material weakness. The audit standards require they report significant deficiency or material weakness to the governing body, but are not required for control deficiency. Those go to management. Management requested it be communicated to the governing body. It is not in the final report of required communication, and goes in the auditors file as an item to watch. It was related to capital assets in the

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Wastewater department. Years ago, some assets were disposed of, but accounting records of capital assets did not get updated. Those assets were still on the books. The reason this is a 'control deficiency' is because the city implemented new internal controls in 2019 to review asset disposals. As staff was implementing the policy, they caught the error, corrected it properly, but due to nature and size, AGH still had to record it as a control deficiency. Fixed assets are a challenging area. The city's issue was not an unusual issue. Three goals to audit: 1) did the city comply with all laws and regulations? 2) were internal controls in place, and did they work? 3) do the financial statements accurately reflect the books and records? Mr. Lowry was pleased to note all three questions are answered yes. AGH issued an unmodified opinion, which is the highest level of opinion the city can receive. It can be viewed as AGH stamp of approval. Mayor Shute said with the challenging environment this spring, its breathtaking the great work put out by the finance staff. Shute recognized the finance staff in the audience with a round of applause.

PUBLIC HEARING

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on June 1, 2020.**
2. **Standing approval of City expenditures prepared May 29, 2020 in the amount of \$413,423.65; and June 5, 2020 in the amount of \$610,355.31.**
3. **Consider a recommendation to insert two (2) valves for the Clearwell, chlorine contact basin, at Hillsdale WTP as part of the Hillsdale Expansion Project**
4. **Consider authorizing the purchase of one (1) 2020 Ford 450 4x4 crew cab diesel truck from Olathe Ford**
5. **Consider a recommendation to approve the Evergy Metro, City of Gardner and Southwest Power Pool Interconnection Agreement**
6. **Consider authorizing the execution of a participation agreement with AllPaid, Inc., dba GovPayNet**
7. **Consider authorizing an agreement for ad hoc planning services**

Councilmember Gregorcyk asked to remove Items 6 and 7 from the Consent Agenda.

Councilmember Gregorcyk made a motion to approve items 1-5 on the Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion of Consent Agenda Item 6, Consider authorizing the execution of a participation agreement with AllPaid, Inc., dba GovPayNet

Councilmember Gregorcyk asked if the men and women on the police force comfortable with this? Police Chief Belcher confirmed they are. Gregorcyk asked if this would add to their risk. Belcher stated there is no additional risk. He continued, stating that currently when they are in the field and collect warrants, if someone has bond money, the officer could be 20 miles away with \$500 cash in their responsibility.

Councilmember Roberts expressed concerns with the climate today, people taken into custody, would they be uncomfortable being asked for their credit card. Chief Belcher noted it's up to the individual's discretion to use that method of payment or not. It's giving an option for paying. Other options would be using cash, or a bondsman, etc. Roberts understands there are options, but in today's climate, it can be misconstrued. Mayor Shute said

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there's a lack of understanding of what posting a bond is. Belcher said it guarantees that money goes to courts, and to the process in their criminal matter. If someone is on their way to work, and have no idea they have a warrant, and we pull them over for a traffic infraction and the warrant comes up, now they have an option of using a card to pay because most people don't carry large amounts of cash, versus them trying to call someone on the side of the road and being late to work and possibly lose their job. It adds a layer of protection. Mayor Shute said another alternative than to be taken into custody and being taken to the holding area. Councilmember Melton added that the car will then be towed and adds another expense. It's not uncommon for a warrant to take an officer off the road for a few hours at a time. Roberts appreciated the discussion on the record. Business Services Manager Amy Foster said they discussed this with Judge Lewis. This gives them an option to pay with a credit card, and it gets them back on their way. It promotes them to come to court to get their money back, minus the 5% fee that they are informed about when they agree to this option. If they are booked into jail and use a surety bond company, the fee is 7% - 10%, in addition to the time constraint. Judge Lewis is on board with this, to encourage them to come to court. If they post this way with their credit card, the city receives the funds, when they appear in court, the city issues the refund of the bail money. Shute clarified that this would be a field detainment and release of their own recognizance with bail paid. Chief Belcher agreed, and shared Leawood, Mission and Johnson County Sheriff's office use this service. Councilmember Baldwin clarified that this option provides for a 5% fee for a smoother and faster process for both the officer and the individual.

Councilmember Baldwin made a motion to approve Consent Agenda item 6.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion of Consent Agenda Item 6, Consider authorizing an agreement for ad hoc planning services

Councilmember Gregorcyk confirmed this is a 2-year agreement. City Administrator Pruetting clarified yes, it's a two-year agreement, but there are no minimums, pay as they are used. The city could use them for two weeks and it won't cost the city beyond that. Gregorcyk asked if this service is cheaper than hiring and self-performing. Pruetting said no, this is an interim solution until staff are hired. Gregorcyk clarified this is a short-term item. Pruetting confirmed and said it can help in the future if staff are backlogged.

Councilmember Gregorcyk made a motion to approve the Consent Agenda Item 7.

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

1. Consider accepting the dedication of right-of-way and easements on final plat FP-20-06 for Hilltop Ridge 1st Plat

Councilmember Gregorcyk made a motion to approve the Planning & Zoning Consent Agenda.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

COMMITTEE RECOMMENDATIONS

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NEW BUSINESS

1. Consider adopting a Charter Ordinance repealing and replacing Charter Ordinance No. 12 relating to use of bonds

Finance Director Matt Wolff stated this new charter ordinance provides language that enables the city to issue general obligation bonds for works (improvements, equipment, furnishing, and land acquisition) which are owned by other governmental, quasi-governmental, and nongovernmental entities for the purpose of supplying the City and its inhabitants with gas, water, electric, heat, street-railway, telephone, internet, or communication service. Charter Ordinance No. 28 would enable the City to issue G.O. bonds to construct water improvements for the Grata development so that it connects to WaterOne's system. Under the terms of the City's development agreement with Grata, the City is responsible for making water, electric and sewer improvements to serve the property. Because the property is within WaterOne's service area, the water main extension would be constructed at the City's expense but would be owned and operated by WaterOne. The new charter ordinance would allow the City to issue bonds to finance the costs of the WaterOne main extension.

Councilmember Melton made a motion to adopt a charter ordinance exempting the City of Gardner, Kansas from the provisions to K.S.A. 12-834 relating to bonds for gas, water, light, heat, street-railway or telephone service; providing substitute and additional provision on the same subject; and repealing Charter Ordinance No. 12 of the City.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Charter Ordinance passed and was assigned Charter Ordinance number 28.

Melton:	Yes
Roberts:	Yes
Winters:	Yes
Baldwin:	Yes
Gregorcyk:	Yes

2. Consider a recommendation to negotiate an Engineering Services contract with George Butler & Associates (GBA) for preliminary planning and design for the wastewater system east and south of I-35, and determine a location for the South Wastewater Treatment Plant

Utilities Director Gonz Garcia stated that George Butler & Associates (GBA) was selected recently for the design of Prairie Trace Sanitary Sewer project. During the RFQ evaluation, they had the expertise, different team members had expertise. They have done previous work for the city, like designing the Kill Creek Wastewater Treatment plant. Staff recommends, rather than another RFQ process, that they use GBA for engineering services and preliminary design, and cost estimate and location of the South Wastewater Treatment plant. It would save an additional month in time.

Councilmember Gregorcyk noted for clarity, the wastewater fund is robust enough to handle the short-term debt. Director Garcia confirmed. This is just the preliminary design and there are enough funds in wastewater to absorb the cost. Finance Director Wolff said they will eventually wrap this into the bonds issued for construction.

Councilmember Gregorcyk made a motion to authorize the City Administrator to negotiate an Engineering Services contract with George Butler & Associates (GBA) for preliminary planning and design for the wastewater system east and south of I-35, and determine a location for the South Wastewater Treatment Plant.

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

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3. Consider accepting a voluntary annexation with landowner consent

City Administrator Pruetting said a request to voluntarily annex two unplatted tracts was received by the City, signed by Dan and Linda Meisinger, at 25800 W. 199th Street, approximately 37 acres. This would take the city limit to the halfway point between Cedar Niles and Clare Rd. The attached Voluntary Consent Annexation Agreements outline the terms agreed upon by the City and the property owner as conditions for this consent annexation. The terms are consistent with the direction of the governing body regarding annexation of rural properties in the City's planning and growth area. Consent annexations are not subject to resolution, notice, public hearing, and extension of services plan requirements that may apply to other annexations.

Councilmember Gregorcyk asked if the city is prepared as the city grows for the oncoming cost of maintenance of roads, policing. Pruetting noted the police are well prepared, and have been monitoring and enforcing in the area. Road maintenance is an ongoing conversation with Johnson County on how 199th Street will be maintained, as well as the evolution of truck traffic as they move forward. Pruetting said they are in a good position to manage that. Gregorcyk noted there is a cost and wants the city to be cognizant of that as part of the annexation. Pruetting has talked with KDOT and Johnson County; the heavy haul traffic has a direct impact on that road. Some of those costs should be borne by others, those are discussions he's having to protect Gardner citizens moving forward as the city takes over maintenance of the road. Traffic studies show 1500 trucks per week. Mayor Shute said they are working with Johnson County to mitigate that.

Councilmember Melton made a motion to accept the Voluntary Consent Annexation requests of Dan and Linda Meisinger and adopt an ordinance annexing land to the City of Gardner, Kansas.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2665.

Roberts:	Yes
Winters:	Yes
Baldwin:	Yes
Gregorcyk:	Yes
Melton:	Yes

4. Consider adopting an ordinance amending Chapter 2.30 Planning Commission, of the City of Gardner, Kansas Municipal Code

City Administrator Jim Pruetting stated that on March 18, 2019, the Governing Body amended the "creation" ordinances for the Airport Advisory Board, Board of Building Code Appeals, and the Utility Advisory Commission to include language relative to those bodies that had previously been included in the Governing Body Rules of Procedure. The governing body had expressed a desire to remove the Boards and Commissions from the GBROP for the purpose of clarity due to the fact that they are not part of the governing body. All the amendments included application, appointment and removal clauses for those bodies. The Planning Commission was not included in those amendments due to the pending merger of the Planning Commission and Board of Zoning Appeals. The intent was to amend the relevant ordinance at the time of the merger to include language consistent with the city's other boards and commission, but that did not occur. The proposed ordinance completes that task and brings consistency to the processes for the application, appointment and removal of board and commission members.

Councilmember Baldwin noted in Section 2(m), it's states "Planning Commission members wishing to be considered for reappointment after their term has expired shall follow the process as outlined above. When a member of the Planning Commission has served for a period of six consecutive years, that member generally will not be eligible for reappointment until the member has vacated the position for one full term. Board members may be reappointed beyond the six-year limit under exceptional circumstances." He noted the use of *generally* and *exceptional circumstances*. They will generally be off unless there are exceptional circumstances that are not defined, so what

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are they? Mayor Shute said an exceptional circumstance would be if there are no applicants for the position. They have to have a quorum. The Planning Commission is a statutorily governed body and must meet on a regular basis. Baldwin suggests noting that circumstance specifically. Pruetting noted that language came from the other ordinances. City Attorney Denk confirmed. Baldwin noted that this is the only special commission because it's quasi-judicial and this should be spelled out. Councilmember Winters said if there are applicants that simply don't qualify, how does that work? Shute noted the qualification for application is that they live in the city limits. Winters clarified if the applicants are not approved by the governing body. Shute said the interview team should select a candidate that can be agreed upon. Winters said if the governing body doesn't unanimously agree, then it goes back to the exceptional circumstance. Shute said they would restart the process. Baldwin noted the potential to then not have quorum. Denk noted it's relevant on the Planning Commission because there are certain approvals that have statutory time frames where if they don't act, the item is deemed approved. They must have sufficient membership on that body to take action. This is the language on the other boards as well. Shute noted that exceptional circumstances include extending terms of those whose terms have expired. Councilmember Gregorcyk asked what language do they want to see? Baldwin said instead of exceptional circumstances, it should say that 'board members may be reappointed beyond 6 year limit'. Shute added 'for purposes of maintaining a quorum'. Denk noted Kansas law that states they continue to hold their position until the successor is appointed and sworn in. Baldwin said the ordinance should say that. Denk noted there are other changes that he needs to make. Shute asked if they should table this. It's the last item on the agenda. Denk suggested they agree to revisit this after executive sessions, and take action then. Shute got consensus to defer action until later in the meeting.

COUNCIL UPDATES

Director Bruce said they are still having fireworks portion of the Independence Day celebration. Staff will send out more details, such as viewing, traffic flow, ect. Mayor Shute noted that Parks has had a tough job with many cancelations. He appreciates the work. Councilmember Pruetting asked Director Bruce address the deposit paid to entertainers. Bruce said the July 4th event involves months of planning in advance, deposits to secure talent. He never announced the headliner this year, and now doesn't plant to, because to secure the artist at the price point we had this year, the agency will keep the deposit and the artist will come next year. Shute said the price to secure the artist, given their trajectory; it will be a good price for next year.

Director Powell provided an update on fireworks. He received 11 tent permits; today was the deadline. Powell shared the various locations with permit holder names: Clay Boan at 191st & Gardner Rd, Mike Watson at 183rd & Gardner Rd, Julie Young has tents at 505 E. Main and 175th & I-35, Adam & Karyn Shay at Trade-Net, Karen Spielbusch at Walmart, Stan Bloom has tents at Hampton Inn and at Walgreens, Andy Phillips at the old Price Chopper site, Winston Slaver at 902 E. Warren, and Chris Myers at Tumbleweed. Set up will be different this year, because it's Saturday, June 27th. The Fire Department and city inspectors will be visiting each site for certification. Sales can begin on Sunday, June 28th. Shooting will be Friday-Sunday, July 3rd -5th.

Director Kramer provided an update on Gardner Lake. He's had questions recently about lake road maintenance. He wanted to discuss policies with council and ask if they want to update or change. Kramer provided a brief history of lake creation. The lake was created by a private company with grant funds, and was completed in 1939. The lake and associated properties were deeded to the city. In 1961, additional surveys were performed and the city tried to dedicate road easements. The city has historically taken the position that the roads at the lake are not city roads or city maintained. The county hasn't agreed with that stance. The roads have been treated by the city and the county to be private roadways. The city has historically not performed maintenance on any roads, with the exception of Lake Road 3. The city has done limited maintenance between 2010 and 2016. Lake Road 3 is listed as in City of Gardner limits, with four homes including the old beach house. Lake Road 3 is listed as City of Gardner, but for purposes of private driveway. The city offers no maintenance on any private driveways. But between 2010-2016, the city did minimal maintenance on Lake Road 3, including gravel repairs and snow removal. Kramer wants to know what the council thinks the policy should be regarding Lake Road 3. Those properties are providing some revenue in the way of city taxes, but other homes on private driveways, within the city, are not maintained by the city. On other lake roads, property owners are responsible for property in front. Sometimes residents will go together and hire someone to bring in surface material and share the cost.

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Councilmember Melton asked if Director Kramer was asking if the city wants to make this a driveway or a street? Kramer said he's asking if council wants the city to spend its resources to provide gravel and light maintenance. Melton asked if the residents are asking for it. Kramer said over the years, different residents will ask for assistance and have asked again recently. It's not a great deal of money. Lake Road 3 is different in that it's in the city. The homes are in the city. Mayor Shute noted Lake Road 3 is a private easement because it's not a public street, considered a private road in the Johnson County AIMS classification. The properties around the road and the road itself is in the City of Gardner; the residents pay property tax. Shute is disposed to maintain this road more than any other lake road because it is in the city. Councilmember Baldwin noted it's a private road, has been for years and is listed as such. That is no different than a private drive elsewhere. Shute said it's not a driveway; it services multiple homes. Baldwin said it's no different than 5 private driveways in the city. It's a private drive listed as such. Shute said it's owned by the city. Baldwin said it's listed as owned by the city as a private drive. It's no different than a private drive on any block. The city doesn't maintain it that, why would they maintain this one? Melton asked who owns the drive. Kramer noted the property is listed as owned by city for the purpose of a private driveway. Baldwin said someone has to be listed as owner, but it's a private drive. Councilmember Roberts noted that in other cases of private driveways, the homeowner maintains it. The city owns this land. Melton said it's like a street. Shute said the difference is a private driveway is owned by private homeowner. Melton said if he looks at the property on the MLS, it shows it ends at the curb/concrete. Baldwin suggested talking with the homeowners and quitclaim it to them. Kramer noted it's signed as a private drive. Councilmember Gregorcyk asked for a reminder of what the city has done in the past, have we given gravel or grading? Kramer said between 2010 and 2016, staff did provide minor maintenance. In 2016, staff had discussed internally and made the decision to treat it as every other private drive. The question has come up recently, and Kramer wants to have guidance on a clear policy to move forward. Baldwin said it's a private drive, but when available, use reclaimed asphalt from other projects and use it there rather than pay to have the old asphalt hauled away. Winters said if it's got a sign marking it a private drive, and only users that live there use that drive, he doesn't see an obligation to maintain it. Gregorcyk said they've done nominal repairs in past and set a precedence. They need to go to the homeowners and provide options: do it this one time and no other, use reclaimed as Baldwin suggested, and clarify to them this is a private drive. Shute noted they do pay some taxes, and are owed nominal services, one being access to their property. Baldwin said the city serviced for 6 years, but not for the first 50+ years, and aren't servicing it currently. When the annexations came up, past councils may have thought about making a private drive into a public street, they may not have wanted the annexations. Those annexations occurred with the understanding that this is a private drive, now they should continue down that path. Shute said that land was part of the city well before houses were there. That road was access to public beach house. Houses sprung up around it, but that land was already in the city. Baldwin said the beach road went straight. Shute said the rest was field, but was part of the city. Baldwin said they can see where the road ends and gravel driveway begins, as private driveway. Shute confirmed, but it was all in the city. Gregorcyk asked what is the cost to provide gravel and grading? Kramer said a truckload of ab-3 is about \$250. Houses supply \$300 a year in taxes each. Gregorcyk estimated \$250 on the road with \$1200 in tax revenue. Kramer asked if there was consensus to add this road back into their minimal maintenance every year or two. Gregorcyk wants to clarify going forward, provide a one-time repair, meet with homeowners to discuss ownership of that private road. Baldwin said the conversation should happen before they do anything. Gregorcyk said they need to clarify it, whether they continue maintenance or not, so that councils after them aren't dealing with it. Roberts said if they meet with homeowners and they want to keep it a private road, they are responsible for maintenance, but if not then it can be a public road. Winters asked if there are any other examples of this, outside of the lake, that the city maintains a private road. Kramer doesn't know of any owned by the city that are private roads. Shute asked if the lake association is an HOA? Kramer said they may be, but they don't maintain roadways. Baldwin and Shute said the city can deed it to them. Melton said they'd have to accept it. Baldwin said they could also state they don't maintain it, it would be up to them what they want to do with their private drive. Shute said they could look into that later, and asked if there is a present need for repair. Kramer said they have been asked to provide some maintenance. Shute asked if there are potholes that need filled. Kramer said that would make homeowners happy. Baldwin said they aren't resolving this issue of a private drive - it's a private drive, haven't maintained it for decades. Shute noted it's in the city, and been ignored. Melton recommends fixing it for now, gather options, and move forward with meeting with

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homeowners to discuss the future of the road. Baldwin asked why fix it now before talking with them? Shute said so people can access their homes. Baldwin said if they fix it now, the homeowners will think it's fine. Shute said they will determine in the next couple of months how to manage it. Baldwin said to Melton's point, they fix the road and then tell the homeowners they'll deed it to them, and the homeowners said no. Melton said they would have the option to not repair it, or the city can maintain control of the road and it's not a private drive and bring it into the city correctly. Baldwin said if it's a public street, then it's fine. Melton said they can have that discussion, but the at least the road will be fixed. Baldwin said they need to have the discussion before they treat it like a public street. Melton said the conversation will end up that the homeowners will want it as a public road. They should go on that assumption, treat it for now, meet with the homeowners and once the decision is made, have legal staff make it official. He said it may help build a bridge with some of the Gardner Lake residents. Shute said 98% of landowners not in the city, but the private streets are listed as in the city that get no maintenance. Baldwin said they are setting a precedence for every one of them. Shute said no, if this gets taken care of as a public street in the city, maybe it incentivizes them to annex into the city. Melton asked if there's consensus. Winters, Baldwin, Gregorcyk stated they want to wait and meet with homeowners. Shute instructed Public Works and Administration staff to meet with homeowners. Shute asked about Waverly and Santa Fe. Kramer provided construction updates. This week, they are working on the storm sewer between Poplar and Waverly. Once that's completed, by the end of next week, underground utilities will be complete and crews will move on to the surface, things residents can see. The project is on schedule to be completed around September. Waverly Road up to Madison is in on-going design. They discussed a roundabout at Madison and Waverly at the work session. Staff have concepts and hope to present them at a July meeting. Shute noted the project construction through September, and asked if staff has notified the school district. Kramer said they keep the school district up to date with the project and its impact on their bus routes.

Chief Belcher noted there is a CPAC meeting, June 29 at 7pm at Justice Center. Mayor Shute added that anyone interested in policing, especially in this climate, should attend.

Director Wolff announced that the next budget meeting will be July 6th.

City Attorney Denk noted he had the revised language for New Business Item 4, Ordinance 2667, ready for action. The first revision is Section Two of 2.30.010 (b) to add the sentence that states "Appointed members shall continue to serve beyond their three year term in the event that their successor in office has not been appointed. The second revision is Section Two of 2.30.010 (d): strike out 'the date they become ineligible to serve in such position, whichever comes first' and add "the third year anniversary date of their appointment, unless their success or has not been appointed, in which event up on the appointment of their successor". The third revision is Section Two of 2.30.010 (m): strike the last sentence "Board members may be reappointed beyond the six-year limit under exceptional circumstances." Add the sentence "The six (6) year restriction does not preclude a member from continuing to serve beyond the expiration of their term when their successor has not been appointed."

Councilmember Melton made a motion to adopt an ordinance amending Gardner Municipal Code (GMC) Section 2.30.010 and 2.30.020 and adding Section 2.30.070 relating to the organization relating to the Planning Commission and Board of Zoning Appeals for the City of Gardner, Kansas, as amended.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2667.

Winters:	Yes
Baldwin:	Yes
Gregorcyk:	Yes
Melton:	Yes
Roberts:	Yes

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City Administrator Pruetting noted that he has completed graduate certificate with the University of Kansas. Mayor Shute asked if that was a half year early; Pruetting clarified it was a full year early.

Councilmember Melton said everyone should come out to CPAC meeting. He thanked Director Powell for the update on fireworks tents and clarifying that there are no members of the governing body associated with fireworks tents. Melton noted there is no meeting until after the 4th, so everyone be safe.

Mayor Shute noted he was glad to see that Councilmember Gregorcyk was okay after a recent accident. Gregorcyk thanked the mayor for the acknowledgment, saying he's blessed to be here and glad to serve.

Councilmember Winters asked when are they discussing the city-wide clean up, or will there be a discussion. City Administrator Pruetting said it's already a budgeted item. If the preference by staff is to cancel, they will bring it to council, otherwise it's already approved, and staff plan to move forward. Mayor Shute noted the need for extra education on proper disposal of materials. Pruetting said staff have discussed, and will get assistance from the vendor.

Mayor Shute said he was fortunate to be a part of the vigil and demonstration/protest recently. There isn't any other municipality in the area that has a better relationship with the citizens of the community than the Gardner police department. They have done a lot of work enhancing the relationship by being involved in city events and functions and community efforts. The former police chief is now in the City Administrator role, the current chief is life-long resident. They treat citizens like family. The city, as an organization, needs to stand behind those who protect the citizens every day. Everyone is flawed, everyone makes mistakes, but everyone can learn from those mistakes and enhance effectiveness in our roles by working through mistakes. Shute thanked those who serve every day.

EXECUTIVE SESSION

1. Consider entering into executive session to discuss matters of attorney-client privilege.

Recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:25 pm; returning to regular session at 8:40 pm.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:25 p.m.; and returning to regular session at 8:40 p.m.

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to resume regular session at 8:40 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:42 p.m.; and returning to regular session at 8:57 p.m.

Councilmember Winters seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to resume regular session at 8:58 p.m.;

Councilmember Winters seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

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Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:58 p.m.; and returning to regular session at 9:13 p.m.

Councilmember Winters seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Winters made a motion to resume regular session at 9:14 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

2. Consider entering into executive session to discuss personnel matters of non-elected personnel.

Recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters of non-elected personnel beginning at 9:14 pm; returning to regular session at 9:29 pm.

Councilmember Gregorcyk made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters of non-elected personnel beginning at 9:14 p.m.; and returning to regular session at 9:29 p.m.

Councilmember Winters seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to resume regular session at 9:29 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Melton and seconded by Councilmember Baldwin the meeting adjourned at 9:29 p.m.

City Clerk